

**OPINION
69-281**

December 31, 1969 (OPINION)

Honorable Myron H. Atkinson, Jr.

Representative, Thirty-second District

RE: Revolving Charge Accounts - Sale of Services - Hospital

This is in reply to your letter of December 23, 1969, concerning the provisions of Chapter 51-14 governing revolving charge accounts. The question is whether the provisions of this chapter apply only to tangible property or whether it would also apply to intangible services such as the services rendered by a hospital. You note the question arises because of an apparent conflict in several different sections of the chapter, such as Section 51-14-01(1) in which reference is made to "personal property", Section 51-14-01(2) in which reference is made to "goods or services", and Section 51-14-02(2) in which reference is made to "goods or services purchased."

Section 51-14-01(2) defines a "retail seller" to mean a person who agrees to sell or sells goods or services pursuant to a revolving charge agreement. Section 51-14-01(1) defines a "retailer buyer" as a person who buys personal property from a retail seller pursuant to a revolving charge agreement. Section 51-14-02, setting forth the requirements of a revolving charge agreement, provides there must be an identification of the goods or services purchased, among other things.

While the definition of a "retail buyer" only refers to a person who buys personal property from a retail seller, nevertheless, the remainder of the Act clearly includes services as well as goods within the provisions of the Act. While we would, of course, prefer amendments to the Act which remove any doubt or inconsistency with regard to this question, it is nevertheless our opinion that the present provisions of Chapters 51-14 of the North Dakota Century Code are applicable to the sale of services as well as the sale of goods.

HELGI JOHANNESON

Attorney General